



## COUNTY OF SAN DIEGO SECOND DWELLING UNIT

The Zoning Ordinance, Section 6156x, allows the addition of a second dwelling unit to those properties zoned to allow the Family Residential use type by right. There are several limitations and requirements imposed by this section. The applicable Zoning Ordinance sections are attached, and are summarized and explained below.

Second dwelling units are a complete additional house (dwelling unit) on the same lot or parcel as an existing single family detached residence, and may be rented to any person(s), unlike the Accessory Apartment (Granny Flat) which is limited in occupancy to the elderly, handicapped or family member.

The second dwelling unit may be either attached to the primary house or detached from the primary house.

The lot must contain **at least** the minimum **net area** required by zoning. It must also be at least 20,000 square feet. An approved Minor Use Permit may allow a second dwelling unit on a lot that is less than 20,000 square feet as long as the parcel meets the minimum net area required by zoning. **If the parcel is dependent on a well for potable water supply, the minimum lot size must be twice the area required by the County Groundwater Ordinance.** Information regarding Groundwater Ordinance requirements may be obtained from Zoning Information @ (858) 565-5981. **\*Note: Net area is defined as “The gross area of a parcel minus:**

1. **The area of any street right-of-way,**
2. **Any fenced flood control or walkway easement,**
3. **Irrevocable offers of dedication when the property is within an urban classification of the General Plan, and**
4. **The area contained in the panhandle of a panhandle lot when the lot is in a zone where the minimum required lot size is 10,000 square feet or less.**

A second dwelling unit is not allowed on a lot or parcel, which has a detached guest living quarters, accessory living quarter or accessory apartment. There are provisions in the ordinance to allow conversion of such units into a second dwelling unit.

The living area of the second dwelling unit shall not exceed 30 percent of the living area of the existing unit, up to a maximum of 1,200 square feet. Additional area may be allowed by the approval of a Minor Use Permit, up to a maximum of 50% of the living area of the primary dwelling or 1,200 square feet, whichever is less. In all cases, regardless of the size of the existing house, a minimum of 400 square feet is allowed,

even if that exceeds 30 percent of the size of the existing dwelling. **Please note that your plans must include floorplans of the living area of both the primary dwelling and the proposed second dwelling unit (even if one is already existing).**

A second dwelling unit of 640 or fewer square feet is required to have one additional parking space, and units greater than 640 square feet must have two additional parking spaces. There are additional requirements in Section 6156x as to location and design of the required parking, and restriction on the conversion of existing parking.

The applicant must provide evidence that there is sewer (or septic) service and water available, and that any applicable school fees have been paid.

The architectural design, building materials, colors and covered parking must be substantially the same as those of the primary dwelling. There is no prohibition on the use of manufactured housing (including mobilehomes) but the requirement for conformance with the primary dwelling might be difficult to meet. Color photographs of the street-facing sides of the existing primary dwelling shall be submitted with the second unit application. No entrance to the second dwelling unit shall face an abutting street unless the entrance is shielded so as not be apparent when viewed from the abutting street. Plants do not qualify for shielding purposes.

Separate sale or ownership of a second dwelling unit is prohibited, unless the lot is subdivided creating a separate lot for each dwelling. Application for a permit for a second dwelling is limited to the owner-occupant of the primary dwelling or an authorized agent. Owner-occupancy of one of the dwellings is required for the duration of use of the second unit for residential purposes, except as permitted in Section 6156x 11.

All requirements of the building and other codes, and the Zoning Ordinance, shall apply to these units. No Variances to the requirements of the Zoning Ordinance shall be granted for the construction of second dwelling units. Before a building permit is issued, the owner of the property shall submit a notarized and recorded copy of an agreement stating that the owner understands and will abide by the requirements of the Zoning Ordinance. The document is available at the Zoning Information Counter.

The process to obtain approval of a second dwelling unit is to apply for the required building permit. No Minor Use Permit is required unless the lot is less than 20,000 square feet or the second dwelling is greater than thirty percent (30%) of the living area of the primary dwelling.

***This is a summary. Please read the attached County of San Diego Zoning Ordinance sections for the complete regulations.***

## ZONING ORDINANCE EXTRACTS

### **6156 RESIDENTIAL AND AGRICULTURAL USE TYPES.**

Subject to the restrictions and limitations specified, the following accessory buildings and uses shall be permitted in zones where residential and agricultural Use Types are permitted.

- x. Second Dwelling Units. In zones where the Family Residential use type is allowed by right, a second dwelling unit is permitted on a lot containing an existing single-family detached residence, or to be constructed concurrently with a primary single-family detached residence, provided the following requirements are complied with:
  - 1. The second dwelling unit shall either be attached to the primary unit, wholly or partially integrated into the primary unit, or detached from the primary unit. The second unit may be attached to another permitted accessory building, except for those accessory units specified in paragraph 4, 5 or 6 below.
  - 2. Applicable requirements of the building and other codes and of the Zoning Ordinance shall apply to second dwelling units. No Variances shall be granted in order to provide for the second unit.
  - 3. A lot shall contain at least the minimum net area as required by the applicable zoning to qualify for a second dwelling; however, no second dwelling unit shall be permitted on a lot with a net area of less than 20,000 square feet, except pursuant to paragraph 12 below.

However, if the lot proposed for a second dwelling is groundwater dependent the minimum size must be twice that required by the residential density controls of Section 67.722 A.1. of the County Groundwater Ordinance (Ord. 7994 N.S.) unless an exception is granted pursuant to Section 67.750 of that Ordinance.

- 4. Second dwelling units shall not be permitted on a lot or parcel with a guest living quarter, accessory living quarter, or accessory apartment. Conversion of such quarters into a second dwelling unit is permitted provided all applicable zoning and other code requirements are met, and subject to the following procedures.
  - i. Application for modification of the Administrative Permit or Minor Use Permit that authorized the accessory unit proposed for conversion to a second dwelling unit and application for any other applicable permits, or
  - ii. If no Administrative or Minor Use Permit was required to authorize the accessory unit proposed for conversion (Guest Living Quarters in certain use regulations), by application for a building permit and any other applicable permits, or

- iii. If the accessory unit proposed for conversion was established illegally, by application pursuant to this subsection “4” as if a new second dwelling unit was being proposed.
- 5. Second dwelling units with a living area exceeding 640 square feet shall provide two additional off-street parking spaces. Second dwelling units with a living area not exceeding 640 square feet shall provide one additional off-street parking space. Said additional parking spaces shall not be in tandem with existing spaces. If establishment of the second dwelling unit involves a garage conversion, replacement covered off-street parking shall be provided concurrently. A garage or carport attached to the second dwelling unit shall not exceed 480 square feet of gross floor area. No other structures defined by Section 6156.g shall be attached to a second dwelling unit.
- 6. The living area of a second unit shall not exceed 30 percent of the living area of the existing unit, up to a maximum floor area of 1,200 square feet, except pursuant to paragraph 12, below. However, a second unit of up to 400 square feet is permitted even if that figure exceeds 30 percent of the size of the primary dwelling.
- 7. Applicants are required to provide evidence satisfactory to the Director of the following:
  - i. Adequate sewer service or approval by the Department of Health Services for use of a septic system;
  - ii. Adequate potable water supply; and
  - iii. That applicable school district fees have been paid.
- 8. The architectural design, building materials, colors and, if provided, covered parking shall be substantially the same as those of the primary dwelling. Color photographs of the street-facing sides of the existing primary dwelling shall be submitted with the second unit application.
- 9. No entrance to the second dwelling unit shall face an abutting street unless the entrance is shielded so as not to be apparent when viewed from the abutting street. Plant materials shall not qualify for shielding purposes.
- 10. Separate sale or ownership of a second dwelling from the primary dwelling located on a single lot is prohibited, unless a subdivision is created pursuant to the County Subdivision Ordinance.
- 11. Application for and issuance of a permit for a second dwelling shall be limited to the owner-occupant of the primary dwelling or his/her authorized agent. Owner-occupancy of either the primary dwelling or the second dwelling is required for the duration of the use of the second unit for residential purposes, except both units may be rented or leased for a

period of up to one year upon written request to, and approval of, the Director. Said request shall state the change in life circumstances of the owner when necessitates interruption of continuous owner occupancy. Rental or leasing of both units may be extended by the Director for one additional period not exceeding six months upon further request of the owner.

12. A second dwelling unit may be authorized upon the issuance of a Minor Use Permit to allow the following.
  - i. Location on a lot or parcel of less the 20,000 square feet in net area, but not less than the minimum net area required by the applicable zoning.
  - ii. A living area greater than 30 percent of the living area of the primary dwelling, not to exceed 50 percent thereof or 1,200 square feet, whichever is less.
  - iii. Conversion to a second dwelling unit of an existing legal accessory living unit, or legalization as a second dwelling unit of an illegal accessory living unit which existed on July 1, 1994, when such existing living unit does not conform to one or more of the following requirements of this subsection x:
    - minimum lot size; however, no conversion shall be permitted on a lot of less than the minimum net lot area required by the applicable zoning;
    - maximum living area; however, a maximum living area of greater than 1200 square feet shall not be authorized;
    - off street parking;
    - architectural design;
    - location of entrance;
    - height and/or setback: to the extent that a Variance for height or setback was granted in connection with the establishment of a legal accessory living unit that existed on July 1, 1994, said Variance shall be valid and applicable to the conversion of such accessory living unit to a second dwelling unit.

No other exceptions to this subsection or other provisions of this Ordinance shall be authorized by the Minor Use Permit.

13. Prior to issuance of a building permit for a second dwelling unit, the owner of the property upon which the second dwelling unit is to be located shall submit a notarized and recorded copy of an agreement between the owner and the County of San Diego on a form supplied by the

Department. Said agreement shall state that the owner understands and will abide by the requirements of this subsection, other applicable provisions of this Ordinance, and that said agreement is binding on all successors in interest to the subject property as long as the second dwelling unit is used or maintained for use as a separate dwelling unit.

#### **7366            APPEAL**

Use permit decisions pursuant to Section 7360, 7376, 7378 or 7382 may be appealed as follows:

- a.     Appeals Authorized.
  2.     A Minor Use Permit decision of the Director may be appealed to the Planning Commission, except that (a) a decision concerning a Minor Use Permit application filed concurrently with a tentative subdivision map, reclassification or Major Use Permit application may be appealed to the same appeal authority and pursuant to the same procedures as apply to such concurrent application; and (b) a decision concerning a Minor Use Permit for a mini-mobilehome park may be appealed to the Planning Commission; and (c) a decision concerning a Minor Use Permit for a nonconforming use within an adopted Redevelopment Area pursuant to Section 6878 may be appealed to the Board of Supervisors.